

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
(Aberdeen Division)**

FRANCES LEAK

PLAINTIFF

vs.

Civil Action Number: 1:15-CV-007-SA-DAS

RUBY TUESDAY, INC.

DEFENDANT

**SUGGESTION OF DEATH
AND MOTION FOR SUBSTITUTION OF PARTIES**

COMES NOW Robert J. Leak, acting as the representative of Plaintiff Frances Leak and who is the duly appointed Administrator of the Estate of Frances Lucille Leak, Deceased, and who is acting by and through the undersigned attorney, and who is acting pursuant to Rule 25 of the FEDERAL RULES OF CIVIL PROCEDURE, and would state and show to this Honorable Court as follows, to-wit:

1.

Letters Testamentary were issued by the Chancery Court of Benton County, Mississippi, in civil action number CV2015-050 on April 28, 2015, to Robert J. Leak as the duly appointed Administrator of the Estate of Frances Lucille Leak, Deceased.

2.

Robert J. Leak, acting pursuant to Rule 25 of the FEDERAL RULES OF CIVIL PROCEDURE ("FED.R.CIV.P."), as the representative of Plaintiff Frances Leak, and as the duly appointed Administrator of the Estate of Frances Lucille Leak, Deceased, suggests for the

record in this civil action that the Plaintiff, Frances Leak, died on or about the 20th day of April, 2015.

3.

Robert J. Leak, acting pursuant to FED.R.CIV.P. 25, as the representative of Plaintiff Frances Leak, and as the duly appointed Administrator of the Estate of Frances Lucille Leak, Deceased, respectfully requests and moves that this Court enter an order substituting Robert J. Leak, the duly appointed Administrator of the Estate of Frances Lucille Leak, Deceased, as the Plaintiff in this civil action.

4.

Robert J. Leak further respectfully requests and moves that this Court enter an order granting any other special or general relief which this Court may deem justice and proper in the premises.

5.

WHEREFORE, PREMISES CONSIDERED, Robert J. Leak, as the representative of Plaintiff Frances Leak, and as the duly appointed Administrator of the Estate of Frances Lucille Leak, Deceased, respectfully requests and moves that this Court enter an order substituting Robert J. Leak, the duly appointed Administrator of the Estate of Frances Lucille Leak, Deceased, as the Plaintiff in this civil action.

RESPECTFULLY SUBMITTED this, the 1st day of SEPTEMBER, 2015.

**Robert J. Leak, *Administrator of the
Estate of Frances Lucille Leak, Deceased***

/s/ John Booth Farese
JOHN BOOTH FARESE (MS #: 5136)
Attorney for Plaintiff

John Booth Farese
Farese, Farese & Farese, P.A.
Post Office Box 98
Ashland, Mississippi 38603
Telephone: 662-224-6211
Facsimile: 662-224-3229

CERTIFICATE OF SERVICE

I, JOHN BOOTH FARESE, do hereby certify that I have this day served a true and correct copy of the above and foregoing *Suggestion of Death and Motion for Substitution of Parties* upon the following named persons by placing same in the regular United States Mail, postage pre-paid, addressed as stated, and that Notice of such service has been made with the Clerk of the Court using the ECF system which sent notification of such filing to counsel who have electronically registered with the Court, to-wit:

Attorney for Ruby Tuesday, Inc.:

Honorable Wilton V. Byars, III
Daniel Coker Horton & Bell, P.A.
265 North Lamar Boulevard, Suite R
Post Office Box 1396
Oxford, Mississippi 38655
Telephone: 662-232-8979
Facsimile: 662-232-8940

This, the 1st day of SEPTEMBER, 2015.

/s/ John Booth Farese
JOHN BOOTH FARESE (MS #: 5136)
Attorney for Plaintiff

John Booth Farese
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